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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

04/21/2004

T.K. Bryant  
1281 East Blue Heron Blvd.  
Riviera Beach, FL 33404

EXAMINER

GOODWIN, JEANNE M

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 04/21/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,599	07/09/2001	Terry Keith Bryant		4109

TITLE OF INVENTION: METHOD OF IMPROVING THE FUNCTION OF AN HOUR-GLASS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	07/21/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

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CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

04/21/2004

**T.K. Bryant  
1281 East Blue Heron Blvd.  
Riveria Beach, FL 33404**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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EXAMINER	ART UNIT	CLASS-SUBCLASS
GOODWIN, JEANNE M	2841	368-093000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

## **4a. The following fee(s) are enclosed:**

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

## **4b. Payment of Fee(s):**

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 123 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 123 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

# Notice of Allowability

Application No.

09/900,599

Examiner

Jeanne-Marguerite Goodwin

Applicant(s)

BRYANT, TERRY KEITH

Art Unit

2841

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed Dec. 30, 2003.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 09 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Vit Miska  
Primary Examiner

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bryant on April 2, 2004.

The application has been amended as follows:

### ABSTRACT

- a. The **abstract** as been replaced by the following in order to reduce the word count:  
  
**--The method of dramatically speeding up the time it takes for sand, mercury, or water, or other like substances to flow from the upper compartment to the lower compartment of an hour-glass, usually in an hour but not specifically required in this method, entails the use of a premolded clear flexible polymer or any component similar, with the same flexibility properties, molded in the basic shape of an hour-glass, in which one can open the flow canal, which is a hole located in the center of the hour-glass, through the application of applying pressure directly to the above said flexible premolded polymer shape. The process of flexing this premolded form will permit the sand or other like substance to run between the upper and lower compartments of the hour-glass, allowing the above said substances to run through a wider and larger flow canal, from the upper compartment to the lower compartment. Thus, making the hour-glass work more efficiently. --**

### SPECIFICATION

- b. In the specification, page 2, line 3: “SPECIFICATION” has been replaced by **--BACKGROUND OF THE INVENTION--** for proper heading purposes;
- c. In the specification, page 2, line 9: “substance” after “like” has been replaced by **--material--** for consistency purposes;
- d. In the specification, page 2, lines 1-3: “METHOD OF IMPROVING THE FUNCTION OF AN HOUR-GLASS” and “SPECIFICATION” has been deleted for proper formatting purposes;
- e. In the specification, page 3, line 24: “substances” after “like” has been replaced by **--materials--** for consistency purposes;
- f. In the specification, page 4, line 7: “any delays” after “without” has been replaced by **--much delay--** to better describe the invention;
- g. In the specification, page 4, line 10: “substance” after “any” has been replaced by **--material--** for consistency purposes;
- h. In the specification, page 4, line 11: “material” after “similar” has been replaced by **--substance--** for consistency purposes;
- i. In the specification, page 5, line 19: inserted after “DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT”, **--With continued reference to the drawings, the hour-glass (1) of the present invention includes an hour-glass housing formed of a premolded clear flexible polymer or similar material having an upper compartment (6) and a lower compartment (7) which are integrally connected by a flow canal (4), wherein the flow canal (4) defines an opening of a size to normally permit a controlled rate of flow of the sand (5)**

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or other like substances from one compartment to another, and a means (3) for selectively opening the flow canal (4) so as to permit an unobstructed flow of the sand (5) or other like substances from one compartment to another, wherein said means (3) for selectively opening said flow canal (4) includes means for manually applying pressure radially on the sides of the flow canal of the flexible polymer housing of the hour-glass (1) and permitting an increase of the rate of flow of the sand (5) or other like substances from one compartment to another.-- has been added to better describe the invention;

j. In the specification, page 5, line 20: "substance" after "like" has been replaced by --material-- for consistency purposes;

k. In the specification, page 5, line 24: a --.-- has been added after "shape" and "FIG. 5" has been replaced by --When in use the flow canal (4) of the hour-glass (1) will stay in a normal position allowing the flow canal (4) to continue to function for measuring the desired time. By pressing on the sides of the flow canal (4) made of the flexible material as described here within, one can save the time normally involved in waiting for the sand (5) or other substances to fill the lower compartment (7), as the flow canal (4) will open, allowing thus the sand (5) or other substances to flow freely. Thus, by pressing the sides of the above said flexible premolded form, the size of the original flow canal (4) will substantially increase, allowing the lower compartment (7) to be quickly filled and one can begin using the hour-glass (1) immediately, as the hour-glass (1) will return to its original shape when the pressure is released. Thus, creating the ability for immediate use when using this new improved hour-glass when measuring time; for games, cooking or other endeavors.-- to better describe the invention;

- l. In the specification, page 5, line 24: “**having**” before “thus” has been replaced by **--Having--** for grammatical purposes;

### CLAIMS

**m. Claim 1 has been replaced by the following:**

1. A method for improving the time it takes for sand or other like substances to flow from an upper compartment to a lower compartment of an hour-glass, the method comprising the steps of:

providing an hour-glass having:

a housing formed of a premolded clear flexible polymer or similar material in the shape of the hour-glass which can increase the time in which the sand or other like substances can run through a flow canal of the hour-glass;

applying pressure on the sides of the flow canal of the flexible polymer housing of the hour-glass and thus opening the flow canal allowing the sand or other like substances to run freely and fill the desired compartment of the hour-glass;

releasing the pressure on the sides of the flow canal of the flexible polymer housing of the hour-glass and thus allowing the flow canal to return to an original form;

**n. Claim 2 has been replaced by the following:**

2. A method according to claim 1 wherein the step of applying pressure on the sides of the flow canal allows the sand or other like substances to flow quickly in order to pass through from the upper compartment to the lower compartment of the hour-glass at a faster speed than normally and improving the waiting time between uses.

**o. Claim 3 has been replaced by the following:**

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3. An hour-glass device in which sand or other like substances flow from an upper compartment to a lower compartment of the hour-glass comprising:

a housing formed of a premolded clear flexible polymer or similar material in the shape of the hour-glass;

a flow canal disposed between the upper compartment and the lower compartment of the hour-glass, said flow canal defining a hole of a size to normally permit a controlled rate of flow of the sand or other like substances from one compartment to another, and means for selectively shifting the flow canal generally radially for selectively opening the flow canal so as to permit an unobstructed flow of the sand or other like substances from one compartment to another;

**p. Claim 4 has been replaced by the following:**

4. The hour-glass device of claim 3 in which said means for selectively opening said flow canal includes means for applying radial pressure on the sides of the flow canal of the flexible polymer housing of the hour-glass and permitting an increase of the rate of flow of the sand or other like substances from one compartment to another.

#### **REASON FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: the reference Mikels (US 5,023,852) shows a hour-glass formed of a plastic or glass material comprising a first chamber (11) and a second chamber (12) which are integrally connected by a restricted throat or intermediate portion (13). The chambers (11, 12) being closed at their ends by a pair of caps (14, 15) including a central flexible membrane (20, 21). Applicant's claimed invention has a hour-glass formed of a premolded flexible clear polymer having a flow canal disposed between the

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upper compartment and the lower compartment of the hour-glass, said flow canal defining an opening of a size to normally permit a controlled rate of flow of the sand or other like substances from one compartment to another, and means for selectively shifting the flow canal generally radially for selectively opening the flow canal so as to permit an unobstructed flow of the sand or other like substances from one compartment to another. Furthermore, the intermediate portion of Mikels does not have a means for selectively shifting the flow canal generally radially for selectively opening the flow canal and there seems to be no motivation to modify the device shown in Mikels to accommodate a means for selectively shifting the flow canal generally radially.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached at (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeanne-Marguerite Goodwin  
Patent Examiner  
04/02/2004



VIT MISKA  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2800